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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/928,028      | 08/10/2001  | Aleta Ricciardi      | SYN006-152991-4     | 5194             |

40947 7590 09/08/2005

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| EXAMINER |
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BILGRAMI, ASGHAR H

|          |              |
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| ART UNIT | PAPER NUMBER |
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2143

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/928,028

Applicant(s)

RICCIARDI, ALETA

Examiner

Asghar Bilgrami

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>02/10/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claim 1-57 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1, 12, 48 are rejected under 35 U.S.C. § 101 for containing non-statutory subject matter.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paciorek (U.S. 6,065,039) and Guheen et al (U.S. 6,473,794).

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1. As per claims 1, 5, 12, 19, 25, 26, 30, 31, 34, 43, 48, 53 & 55 Paciorek disclosed a distributed computing system comprising: a plurality of computing devices (col.2, lines 38-43); a plurality of services, operating on at least one of the computing devices, arranged into a plurality of groups, with each of these services having an associated service proxy, operating on at least one of the computing devices, said service proxy used to call its associated service; a plurality of clients, operating on at least one of the computing devices, that call the groups to perform tasks (col.2, lines 43-67 & col.3, lines 1-6); a plurality of group proxies, each group proxy being associated with a group, operating on at least one of the computing devices, and being used by a client to communicate with its associated group, and each group proxy being comprised of a group logic shell containing the logic necessary to communicate with the associated group; and at least one of the service proxies associated with a service within the associated group (col.3, lines 7-67); a group service, operating on at least one of the computing devices, that creates and updates the group proxy; a plurality of grouping agents, each grouping agent being associated with a grouped service, operating on at least one of the computing devices, and communicating on behalf of its associated service with the group service and other services within its group (col.3, lines 53-67, col.4, lines 1-64 & col.5, lines 7-53). However Paciorek did not explicitly disclose communication network allowing the computing devices to communicate with each other.

In the same field of endeavor Guheen et al disclosed communication network allowing the computing devices to communicate with each other (col.14, lines 62-67, col.15, col.17, col.19 & col.72, lines 27-63).

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At the time the invention was made it would have been obvious to one in the ordinary skill in the art to incorporate computing devices communicating with each other as disclosed by Guheen in a distributed computing devices having proxies associated with the services as disclosed by Paciorek in order to share the information acquired through the services with other clients and thus enriching the network environment by introducing the collaboration aspect among clients.

2. As per claims Paciorek-Guheen disclosed 2, 8, 9, 10, 15, 16, 17, 32 & 41 the mobile group proxy described in claim 1 wherein the mobile group proxy is created while the application is executing (Guheen col.228, lines 25-35).
3. As per claim 3 Paciorek-Guheen disclosed the mobile group proxy described in claim 1 wherein the mobile group proxy can be modified while the application is executing (Guheen col.228, lines 25-35).
4. As per claim 4, 11, 18, 33, 42, 47, 52 & 56 Paciorek-Guheen disclosed the mobile group proxy described in claim 1 wherein the group proxy is able to buffer commands from the client to the group of services when the group is not available (Paciorek col.3, lines 7-67).
5. As per claims 6 & 13 Paciorek-Guheen disclosed the method of claim 5 wherein the group logic shell is selected based upon the type of group structure desired (Guheen col.11, lines 4-35).

6. As per claims 7, 14, 20, 35, 44 & 49 Paciorek-Guheen disclosed the method of claim 6 wherein the group structure is peer or coordinator cohort Guheen col.11, lines 4-35).

7. As per claims 21 & 55 Paciorek-Guheen disclosed the system described in claim 19 further comprised of additional services arranged into at least one additional group (Paciorek col.2, lines 7-17).

8. As per claims 22 & 36 Paciorek-Guheen disclosed the system described in claim 21 wherein at least one of the groups is comprised of a single service (Paciorek col.3, lines 7-67).

9. As per claims 23 & 37 Paciorek-Guheen disclosed the system describe in claim 21 wherein all the services in each group perform the same task (Paciorek col.2, lines 43-67, col.3, lines 7-67).

10. As per claim 24 Paciorek-Guheen disclosed the system described in claim 21 further comprising a group proxy for each group (Paciorek col.2, lines 43-67, col.3, lines 1-67).

11. As per claims 27, 38, & 54 Paciorek-Guheen disclosed the system described in claim 19 wherein the plurality of computing devices are virtual machines within a general purpose computer (Guheen col.2, lines 6-37).

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12. As per claims 28, 39 & 57 Paciorek-Guheen disclosed the system described in claim 19 further comprising a look-up service, operating on at least one of the computing devices, that lists the group and some of the other services available in the system (Guheen col.9, lines 7-35).

13. As per claim 29 & 40 Paciorek-Guheen disclosed the system described in claim 28 wherein the look-up service and the group service are combined into a single service ((Guheen col.9, lines 7-35).

14. As per claims 45 & 50 Paciorek-Guheen disclosed the method described in claim 43 wherein the services are arranged into a plurality of groups, there is a group logic shell for each group and the group service creates a group proxy for each group (Paciorek col.2, lines 43-67, col.3, lines 1-67).

15. As per claims 46 & 51 Paciorek-Guheen disclosed the method described in claim 43 wherein the group service provides the group proxy to the client by registering the group proxy with a look-up service (Guheen col.103, lines 52-58).

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asghar Bilgrami whose telephone number is 571-272-3907. The examiner can normally be reached on M-F, 8:00-5:00PM.

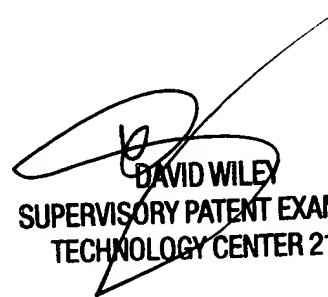
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Asghar Bilgrami  
Examiner  
Art Unit 2143

  
AB

  
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